

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(RICHMOND DIVISION)**

In Re:

CIRCUIT CITY STORES, INC., et al.,  
  
Debtors.

Chapter 11

Case No. 08-35653-KRH

Jointly Administered

**MOTION FOR LEAVE OF COURT FOR GEORGE E. KOSTEL AND  
JAMES BIRD OF POLSINELLI PC TO ATTEND HEARING BY TELEPHONE**

KeyBank National Association (“**Key**”), by counsel, respectfully moves the Court, pursuant to this Motion (the “**Motion**”), for entry of an order, the proposed form of which is attached hereto as **Exhibit A**, authorizing George E. Kostel, Esq. (“**Mr. Kostel**”) and James Bird, Esq. (“**Mr. Bird**”) of Polsinelli PC, counsel to Key and certain lender trusts as referenced in their Entry of Appearance, to appear and participate by telephone at the hearing scheduled for **Tuesday, August 25, 2015, at 2:00 p.m.** (the “**Hearing**”) in the above-captioned bankruptcy cases. Key has replaced Capmark Finance, Inc. (“**Capmark**”) as special servicer for several lender entities involved in this proceeding. Counsel for Key has this day entered their appearance in this action. Key also plans to file a Motion to Substitute Key for Capmark with respect to Capmark’s pending Motion for Allowance of Administrative Claims for Post-Petition Obligations Under Unexpired Leases of Non-Residential Real Property (Claim No. 14363). Allowing Mr. Kostel and Mr. Bird to appear telephonically will not cause any undue hardship to any party herein, would conserve estate resources, and would serve the interests of justice.

WHEREFORE, Key respectfully requests that the Court enter an order granting this Motion and providing for such other and further relief as this Court deems just and proper.

Respectfully Submitted,

KEYBANK NATIONAL ASSOCIATION  
AND LENDER TRUSTS

By Counsel

Dated: August 21, 2015

POLSINELLI PC

/s/ George E. Kostel

George E. Kostel (VSB #34757)  
1401 Eye Street, NW, Suite 800  
Washington, DC 20005  
Phone: (202) 626-8316  
Fax: (202) 783-3535  
[gkostel@polsinelli.com](mailto:gkostel@polsinelli.com)

James E. Bird (MO #28833)  
Andrew J. Nazar (MO #57928)  
900 W 48<sup>th</sup> Place, Suite 900  
Kansas City, MO 64112  
Phone: (816) 753-1000  
Fax: (816) 753-1536  
[jbird@polsinelli.com](mailto:jbird@polsinelli.com)  
[anazar@polsinelli.com](mailto:anazar@polsinelli.com)

*Counsel for KeyBank National Association  
and certain Lender Trusts*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of August 2015, a true and correct copy of *Motion for Leave of Court for George E. Kostel to Attend Hearing By Telephone* was filed using the Court's CM/ECF service, served electronically to Debtors' counsel, the Trustee, and served on all interested parties by ECF notification from the Court, and served by first-class United States mail, postage prepaid, to:

Jeffrey N. Pomerantz, Esq.  
Andrew W. Caine, Esq.  
PACHULSKI STANG ZIEHL & JONES LLP  
10100 Santa Monica Boulevard, 13<sup>th</sup> Floor  
Los Angeles, California 90067

Robert J. Feinstein, Esq.  
John A. Morris, Esq.  
PACHULSKI STANG ZIEHL & JONES LLP  
780 Third Avenue, 36<sup>th</sup> Floor  
New York, New York 10017

Debtor Designee  
Bruce H. Besanko  
8788 Flesher Circle  
Eden Prairie, MN 55347

Daniel F. Blanks  
Nelson Mullins Riley & Scarborough LLP  
50 N. Laura Street, Suite 2850  
Jacksonville, FL 32202

Douglas M. Foley  
McGuireWoods LLP  
2001 K Street, N.W., Suite 400  
Washington, DC 20006

John Leininger  
Bryan Cave LLP  
JP Morgan Chase Tower  
2200 Ross Avenue, Suite 3300  
Dallas, TX 75201-7965

Lynn T. Tavenner, Esq.  
Paula S. Beran, Esq.  
TAVENNER & BERAN, PLC  
20 North Eighth Street, 2<sup>nd</sup> Floor  
Richmond, Virginia 23219

Cred. Comm. Chair  
Donahue Schriber Realty Group, L.P.  
c/o Nancy Hotchkiss  
Trainor Fairbrook  
980 Fulton Avenue  
Sacramento, CA 95825

U.S. Trustee  
Judy A. Robbins, 11  
Robert B. Van Arsdale  
Office of the U.S. Trustee - Region 4 -R  
701 E. Broad Street, Suite 4304  
Richmond, VA 23219

Sarah Beckett Boehm  
McGuireWoods LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, VA 23219

Dion W. Hayes  
McGuireWoods LLP  
One James Center, 901 E. Cary St.  
Richmond, VA 23219

Joseph S. Sheerin  
McGuire Woods LLP  
One James Center  
901 East Cary Street  
Richmond, VA 23219

POLSINELLI PC

/s/ George E. Kostel

George E. Kostel (VSB #34757)

1401 Eye Street, NW, Suite 800

Washington, DC 20005

Phone: (202) 626-8316

Fax: (202) 783-3535

[gkostel@polsinelli.com](mailto:gkostel@polsinelli.com)

*Counsel to KeyBank National Association  
and certain Lender Trusts*